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Attorneys for Plaintiffs  
 JAREK MOLSKI  
 and DISABILITY RIGHTS  
 ENFORCEMENT, EDUCATION,  
 SERVICES: HELPING YOU  
 HELP OTHERS

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

JAREK MOLSKI, an individual; and  
 DISABILITY RIGHTS ENFORCEMENT,  
 EDUCATION, SERVICES: HELPING  
 YOU HELP OTHERS, a California public  
 benefit corporation,

Plaintiffs,

v.

LUGANO SWISS BISTRO; ANDRE  
 LENGACHER and NARGIS DIN  
 LENGACHER, dba LUGANO SWISS  
 BISTRO, CAPSTONE, MORNING,  
 CHASE; and JAMES KNELL, an  
 individual,

Defendants.

**CASE NO. C04-4713 RS**

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER FOR LEAVE TO FILE A SECOND  
 AMENDED COMPLAINT**

Plaintiffs JAREK MOLSKI, an individual; and DISABILITY RIGHTS  
 ENFORCEMENT, EDUCATION SERVICES: HELPING YOU HELP OTHERS, a California  
 public benefit corporation, through their undersigned counsel, defendants CAPSTONE,  
 MORNINGSIDE CHASE, erroneously sued as CAPSTONE MORNING CHASE and JAMES  
 KNELL, an individual, through their undersigned counsel, and defendants Andre Langacher and

1 Nargis Din Lengasher, dba LUGANO SWISS BISTRO, stipulate to file a second amended  
2 complaint for the following reasons:

- 3 1. Plaintiffs amended the complaint on July 19, 2005 to name CAPSTONE,  
4 MORNING, CHASE and JAMES KNELL, an individual, whom they believed to  
5 be the current owners of the subject property.
- 6 2. Neither CAPSTONE, MORNING CHASE nor JAMES KNELL owned or  
7 operated the subject property during the events alleged in the Complaint;
- 8 3. Plaintiffs have since been informed that the property was sold on July 26, 2005  
9 and the new and current owner is SIMA BARNYARD L.L.C.
- 10 4. Plaintiffs will dismiss CAPSTONE MORNING CHASE and JAMES KNELL  
11 from this action with prejudice, and each party bearings its respective costs and  
12 attorneys fees; and
- 13 5. Plaintiffs now seek to amend the complaint a second time to name SIMA  
14 BARNYARD L.L.C. as a proper defendant to this action.

15 IT IS HEREBY STIPULATED THAT:

16 For the aforementioned reasons, leave be granted to amend the Complaint a second time  
17 to name SIMA BARNYARD L.L.C.

18 IT IS SO STIPULATED.

19 DATED: October 18, 2005

20 THOMAS E. FRANKOVICH,  
21 *A PROFESSIONAL LAW CORPORATION*

22 By: /s/  
23 Jessica A. Dayton  
24 Attorneys for Plaintiffs JAREK MOLSKI, and  
25 DISABILITY RIGHTS ENFORCEMENT,  
26 EDUCATION SERVICES: HELPING YOU HELP  
27 OTHERS  
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